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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,053	08/04/2003	Michael J. Hasday	Hasday-1	5522
7590 12/14/2004				
Carl A. Giordano Duane Morris LLP 380 Lexington Avenue New York, NY 10168			EXAMINER NGUYEN, KIM T	
			ART UNIT 3713	PAPER NUMBER

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/634,053

Applicant(s)

HASDAY, MICHAEL J.

Examiner

Kim Nguyen

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 14-20 and 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-33 and 35-37 is/are rejected.
- 7) ☒ Claim(s) 1-13 and 38-49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/4/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Examiner acknowledges receipt of amendment on 9/21/04. In response to the restriction requirement, applicant has elected species 1, claims 1-13, 21-33, and 35-49, for examination purposes. Claims 1-13, 21-33, and 35-49 will be considered, and claims 14-20 and 34 are withdrawn from consideration. Applicant should cancel non-elected claims in the response to this office action.

#### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words.

#### ***Claim Objections***

2. Claims 1, 21, and 38 are objected to because of the following informalities:

- a) In claim 1, line 6, the comma “,” at the end of line 6 should be corrected to semicolon “;”.
- b) In claim 1, line 7; claim 21, lines 8-9; and claim 38, line 9, the claimed limitation “one of said other participants” should be corrected to “another participant from said plurality of participants”.
- c) In claim 1, line 10 (last line), the comma “,” at the end of line 10 should be corrected to period “.”

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- d) In claim 38, line 8, the comma “,” at the end of line 8 should be corrected to semicolon “;”.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 21-33 and 35-37 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 21 is a single means claim, which does not comply with the enablement requirement. *In re Hyatt*, 708 F.2d 712, 218 USPQ 195 (Fed. Cir. 1983).

Claims 22-33 and 35-37 are rejected as being dependent on the rejected base claim 21.

### ***Allowable Subject Matter***

5. Claims 1-13 and 38-49 would be allowable if rewritten or amended to overcome the objections, set forth in this Office action.

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6. The following is a statement of reasons for the indication of allowable subject matter:

Prior arts of record do not disclose a method for determining competitive partners among a plurality of participants in a selected one of a plurality rounds in a competitive events; the method comprises selecting, in accordance with said associated ranking, one of the participants; allowing the selected participant to select another participant from the plurality of the participants; and removing the selected participant and the selected other participant from further consideration for the selected round.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (571) 272-4441. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

The central official fax number is (703) 872-9306.



Kim Nguyen  
Primary Examiner  
Art Unit 3713

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Date: December 3, 2004